

**BY ORDER OF THE COMMANDER
GOODFELLOW AIR FORCE BASE**

**GOODFELLOW AIR FORCE BASE
INSTRUCTION 51-101**



6 SEPTEMBER 2012

Law

***DISPOSITION OF JUVENILE
MISCONDUCT CASES***

COMPLIANCE WITH THE PUBLICATION IS MANDATORY

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(Maj Corey G. Fullmer)

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This instruction provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders. Its purpose is to establish policies, responsibilities, and procedures for the disposition of misconduct committed by juveniles on Goodfellow Air Force Base, and to establish the Goodfellow AFB Juvenile Misconduct Board. This instruction applies to all military sponsors; juveniles visiting or residing on Goodfellow AFB; and all commanders of units and organizations assigned, attached, or tenants on Goodfellow AFB; as well as military dependents that reside off base and engage in misconduct on Goodfellow AFB. This instruction requires collecting and maintaining information protected by the *Privacy Act of 1974* authorized by 10 U.S.C. §§ 854 and 865. Privacy Act System of Records notice F051 AF JA I, Courts-Martial and Article 15 Records, applies. Ensure all records created as a result of processes prescribed in this publication are maintained according to AFMAN 33-363, *Management of Records* and disposed of in accordance with the Air Force Records Information Management System (AFRIMS) Air Force Records Disposition Schedule (RDS), located at <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through the appropriate functional chain of command.

1. Authority. The installation commander (17 TRW/CC) is charged with the responsibility of maintaining law and order on the base (AFI 31-101, *Integrated Defense*). To achieve this goal, a Juvenile Misconduct Board will be formed. The president of this Board will be 17 MSG/CC. The board will include: 17 TRW/CV, 17 TRW/CCC, 17 SFS/CC, 17 TRW/JA, the sponsor's commander, the sponsor's first sergeant, a paralegal (recorder), and other professionals at the

discretion of the President. All members, except 17 TRW/JA and the paralegal, are voting members. This Board will review allegations of juvenile misconduct. The person accused of misconduct will be able to explain their side of the story, and the Board will provide a recommendation to 17 TRW/CC (this could include disciplinary action as stated in [paragraph 4](#)). The Board may recommend that the offending juvenile perform community service duties and/or have any or all of his or her base privileges revoked. Privileges subject to revocation include, but are not limited to: exchange, commissary, housing, and on-base driving privileges, as well as the privilege of entering any part of the base.

2. Assigned Duties.

2.1. Security Forces (17SFS/SFAR).

2.1.1. Prepare an incident/complaint report.

2.1.2. Send a copy of the incident/complaint report to 17 TRW/JA for review and disposition.

2.2. Staff Judge Advocate (17 TRW/JA).

2.2.1. Evaluates each case based on the information received from Security Forces (17 SFS/SFAR). The 17 TRW/JA will make a recommendation as to disposition of the charges. The 17 TRW/JA is not required to direct every case involving juvenile offenders to a hearing. In his/her discretion, he/she may request immediate barment and/or referral to federal or state juvenile criminal authorities. If the case is appropriate for the Juvenile Misconduct Board, the 17 TRW/JA will prepare a notification letter for 17 MSG/CC's signature addressed to the sponsor's commander and first sergeant informing him/her of the date of the hearing. The notification letter will include the date and time the Board will be convened. The commander or first sergeant will serve the notification on the sponsor informing him/her of the date and time of the Board. The commander and first sergeant are required to attend the Juvenile Misconduct Board.

2.2.2. Sits as a non-voting Board member.

2.2.3. Recommends punishment to be imposed with a view towards discouraging future juvenile misconduct and rehabilitation of the offenders.

2.2.4. Gives advice to the other members on legal matters that may arise during the hearing.

2.2.5. At the direction of the 17 TRW/CC, prepares a post-hearing decision letter for the 17 TRW/CC's signature addressed to the juvenile offender with a courtesy copy to the sponsor announcing the final disposition of the case. After the letter is signed and returned, 17 TRW/JA will ensure the signed letters are delivered to the offender's sponsor's commander, who will serve the offender's sponsor with the letter.

2.3. Sponsor/Juveniles.

2.3.1. Appear before the Juvenile Misconduct Board as directed in the notification letter (mandatory for sponsor, highly encouraged for juvenile). Military sponsors of juveniles brought before the Board must appear. If any military sponsor fails to appear, after proper notification, such absence may constitute a violation of Article 92, Uniform Code of Military Justice (UCMJ), Failure to Obey a Lawful Order. Parents, guardians, and

hosts are responsible for the conduct of juveniles in their charge and for ensuring compliance with applicable state and federal laws and government instructions. If the juvenile has a non-military parent, that parent is also strongly encouraged to appear with the juvenile.

2.3.2. Provide information relevant to the proceedings.

2.3.3. Comply with all orders of the Juvenile Misconduct Board.

2.4. The 17th Mission Support Group Commander (17 MSG/CC).

2.4.1. Serves as approval authority to determine whether a juvenile offender should be offered a hearing.

2.4.2. Conducts hearings as needed.

2.4.3. Serves as President of the Juvenile Misconduct Board, and in that capacity, presides over hearings of all referred cases of alleged misconduct.

2.4.4. Recommends to 7 TRW/CC punishment to be imposed with a view toward discouraging future juvenile misconduct and rehabilitation of the offenders.

2.4.5. Recommends to 17 TRW/CC the barment of those juveniles who fail to comply with the Board's orders.

2.5. Commander and First Sergeant.

2.5.1. Receive a letter notifying them of the proceedings.

2.5.2. Serve the Order to Appear on their member.

2.5.3. Attend the hearing.

2.5.4. Appoint an alternate to serve in their place in the event they are TDY or otherwise unavailable.

3. Conducting the Juvenile Misconduct Hearing.

3.1. The hearing will be presided over by 17 MSG/CC.

3.2. The juvenile Misconduct Board may order the appearance of any witness deemed necessary for the resolution of the case. The Board may rely solely on hearsay evidence (to include Security Forces reports) deemed by the Board not to be inherently unreliable.

3.3. The juvenile and/or sponsor may make an oral statement. Any further information provided must be in writing. This is not an adversarial hearing. The juvenile offender and his or her sponsor have no right to have legal counsel or an attorney represent them during the hearing, nor do they have the right to cross-examine witnesses called by the Board or the right to call witnesses. Neither rules of evidence nor criminal procedure are applicable.

3.4. The Board's findings shall be based on a preponderance of evidence.

4. Appropriate Command Response to Juvenile Misconduct.

4.1. Notification. Each juvenile offender whom 17 MSG/CC directs to a hearing will receive a notification letter signed by 17 MSG/CC. This letter will inform the juvenile's sponsor of the time and location of the hearing and that failure to appear and to satisfy all the orders of the Board (to include penalty imposed by the Board on the juvenile) may result in a

recommendation to 17 TRW/CC that the juvenile be barred from Goodfellow AFB due to his or her unwillingness to participate in the juvenile misconduct proceeding.

4.2. After considering the evidence of misconduct, the juvenile offender's and the sponsor's response to the allegation of misconduct, and the best interests of Goodfellow AFB, the Board will render findings of fact, and consistent with any findings of misconduct, recommend to 17 TRW/CC that he/she order that the juvenile undergo corrective action, including, but not limited to, one or more of the following:

4.2.1. No action.

4.2.2. Oral counseling.

4.2.3. Issuance of a formal letter of admonishment or warning.

4.2.4. Refer the juvenile offender and/or sponsor to an agency for counseling, the cost to be borne by the juvenile's sponsor.

4.2.5. Refer the juvenile offender to a commercial shoplifter's education program, the cost to be borne by the juvenile's sponsor.

4.2.6. Placing certain areas or base functions off-limits to the juvenile offender.

4.2.7. Impose a curfew.

4.2.8. Revoke privileges.

4.2.9. Terminate military family housing for the juvenile offender.

4.2.10. Refer the juvenile offender to a base community service program for a specific number of hours of work. The unit commander will ensure adequate supervision of the juvenile participating in such programs including, for example, refuse or grounds maintenance patrol; e.g., pulling weeds.

4.2.11. Refer the juvenile to an off-base community service program. The juvenile's sponsor will be responsible for choosing which program the juvenile will be enrolled in. The 17 TRW/JA will provide a list of different community service programs to the sponsor.

4.2.12. Require that the juvenile submit an essay reflecting on his or her offense. The Board should specify each essay should exceed a minimum number of words and should inform all juvenile offenders that an unsigned version of the essay may be published in *The Monitor* to deter other would-be juvenile offenders.

4.2.13. Refer the case to juvenile/criminal authorities in the civilian community through 17 TRW/JA.

4.2.14. Restitution.

4.3. Recommendations for action by the Board shall not constitute a criminal record. The command action will be documented on the appropriate incident report and filed as prescribed by instructions governing the use of that incident report.

5. Recordkeeping.

5.1. Storage of records. All other records not enumerated in [paragraph 4.3](#) pertaining to the Juvenile Misconduct Board shall be stored and then destroyed after a period of 3 years by 17

TRW/JA, unless destruction of records are destroyed earlier as prescribed under **paragraph 5.2**, or become part of a more serious incident. The records shall not constitute a criminal record and will be protected under the applicable privacy laws.

5.2. Destruction of records. All juvenile misconduct records shall be destroyed on or before the juvenile's 18th birthday, upon the family's permanent change of station, the sponsor's separation from the service, or as otherwise prescribed in **paragraph 5.1**.

MARK T. DAMIANO, Colonel, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 31-101; *Integrated Defense (FOUO)*, 8 Oct 2009

AFMAN 33-363, *Management of Records*, 1 Mar 2008

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*, 1 Sep 2009

Abbreviations and Acronyms

AFRIMS—Air Force Records Information Management System

OPR—Office of Primary Responsibility

RDS—Records Disposition Schedule

UCMJ—Uniform Code of Military Justice

Terms

Juvenile—Any unmarried person under the age of 18 years who is not on military active duty status.

Misconduct—Any violation of federal, state, or local statute, Air Force Instruction, base regulation, or other activity which is prejudicial to good order and discipline on Goodfellow AFB, or which breaches the peace on Goodfellow AFB.